

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - DETROIT

IN RE:

MARK ANTHONY PEEK AND  
SUSAN ELIZABETH PEEK AKA  
SUSAN E. ROUSE

CASE NO. 20-40851-TJT  
CHAPTER 13  
HONORABLE THOMAS J. TUCKER

DEBTORS.

\_\_\_\_\_  
NICHOLAS D. CHAMBERS (P72084)

Attorney for Debtors  
39319 Plymouth Road, Suite 1  
Livonia, MI 48150  
(734) 591-4890

-----  
CRAIG S. SCHOENHERR, SR. (P32245)

Attorney for Creditor  
O'REILLY RANCILIO P.C.  
Sterling Town Center  
12900 Hall Road, Suite 350  
Sterling Heights, MI 48313-1151  
(586) 997-6481  
(586) 726-1000  
\_\_\_\_\_

**OBJECTION TO CONFIRMATION OF DEBTORS' FIRST AMENDED  
CHAPTER 13 PLAN**

Santander Consumer USA Inc. ("Creditor"), for its Objection to Confirmation of Debtors'

First Amended Chapter 13 Plan, states as follows:

1. The Creditor has perfected its security interest in the 2014 Dodge Ram 1500 bearing vehicle identification number 1C6RR7MT7ES118057.
2. The gross outstanding indebtedness owing to the Creditor under the terms of the Retail Installment Sales Contract at the time of filing of the Bankruptcy was \$16,887.34.
3. The Amended Plan states a crammed Class 5.2 value of \$10,000.00 to be paid with interest at 5.25%.

4. Pursuant to *In re Till*, the Creditor requests an interest rate of 7.75%, which represents a prime rate with a 3% risk factor.

5. Based upon the NADA Official Used Car Guide, the Creditor asserts that the value of the vehicle is approximately \$24,350.00. As such, the Creditor's claim is fully secured.

6. The Creditor requests proof of full-coverage insurance.

7. The Creditor objects to Section III.B.1.b., which provides for the Trustee to withhold monies for disbursement for attorney fees up to the sum of \$5,000.00.

8. Payment of attorney fees as provided for in the Plan will delay payments to the Creditor in violation of the equal monthly payment requirement of 11 U.S.C. § 1325(a)(5)(B)(iii).

9. The Plan fails to provide for equal monthly payments beginning from confirmation as required by 11 U.S.C. § 1325(a)(5)(B)(iii).

10. The Plan fails to provide that the Creditor retain its lien on the subject vehicle as required under 11 U.S.C. § 1325(a)(5)(B)(i).

In conclusion, the Creditor requests that this Court grant the relief requested and not confirm the Chapter 13 Plan until these Objections are resolved.

O'REILLY RANCILIO P.C.

/s/ Craig S. Schoenherr, Sr.

---

CRAIG S. SCHOENHERR, SR. (P32245)

Attorney for Creditor

12900 Hall Road, Suite 350

Sterling Heights, MI 48313-1151

(586) 726-1000

[ecf@orlaw.com](mailto:ecf@orlaw.com)

DATED: April 22, 2020